UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/70/L/ARG
31 July 2000

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Sixty-ninth session

LISTS OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE THIRD PERIODIC REPORT OF ARGENTINA
(CCPR/C/ARG/98/3)
(CCPR/CORE/1/Add.74)

Self-determination, rights of indigenous peoples, and of persons belonging to minorities (arts. 1 and 27)

1. What is the State party's position on the right to self-determination of the indigenous peoples?

2. Bearing in mind the amendment of the National Constitution which recognizes the ethnic and cultural specificities of the indigenous peoples of Argentina, please provide information on the practical application of this provision, in particular the results of the programme of the National Institute of Indigenous Affairs, to return ancestral lands and property to the indigenous communities and to regularize land titles, and efforts to solve the land rights conflicts mentioned in paragraph 291 of the report.

3. What have been the results in practice thus far of the National Plan for Indigenous Peoples referred to in paragraphs 286-287 of the report?

4. Please comment on any special measures, legislative or administrative, taken in order to protect minorities, as provided for under article 27 of the Covenant.

Constitutional and legal framework within which the Covenant is implemented (art. 2)

5. Please provide examples of instances where the Covenant has been directly invoked before the courts since its incorporation into the 1994 Constitution.

6. Please provide information on the human rights situation at the provincial level, in terms of legislation and practice (see for example the reference in paragraph 238 to "overlapping provincial and national jurisdiction over children" and to "human rights departments in the provinces" (Core document, para. 83) as well as paragraphs 85, 91, 96, 138-139 and 156 of the report where there are references to both jurisdictions). Please provide information on whether the national authorities can oblige the provinces to legislate in accordance with the provisions of the Covenant, or is federal legislation directly applicable in the provinces.

Human rights institutions (art. 2 of the Covenant)

7. Please provide further information on the jurisdiction and activities of the Ombudsman referred to in paragraph 11 of the report. Is there an independent Human Rights Commission or similar body in Argentina? If so, please describe its functions. How many complaints were received by the Office of the Under-Secretary for Human Rights (Core document, para. 50) in the most recent year for which figures are available?

Non discrimination and equality of the sexes (art. 3)

8. Please provide information about the participation of women in public life, in parliament and in federal, provincial and local government, the workforce and education, and on the proportion of women in positions of responsibility and decision-making positions in the public and private sectors.

Right to life and prohibition of torture, extrajudicial executions, disappearances and arbitrary arrest and detention (arts. 3, 6, 7, 9 and 10)

9. What legal and other regulations are there on access by women to abortion and sterilization services (paras. 50-51 of the report)?

10. What specific legal and other measures have been adopted to combat violence against women and how effective have these been (paras. 64-65 of the report)?

11. In view of the Committee's request in its concluding observations on Argentina's second periodic report (CCPR/C/79/Add.46), please provide information in respect of the outcome of the continued investigations the State party is carrying out with respect to the whereabouts of disappeared persons and their identification as well as with regard to the mechanisms developed for compensating victims of past violations of human rights (paras. 79-80 and 216 of the report).

12. The report states that deaths "have been reported as possible instances of violation of the right to life" (para. 23), in particular of journalists and those investigating human rights violations. Please provide details on the outcome of the investigations carried out on these deaths and indicate whether those responsible have been brought to justice.

13. What is the status of the death penalty? Please explain whether there are any plans to accede to the Second Optional Protocol.

14. Please provide information on the regulations governing the use of weapons by members of the police, the army and other security forces. Have there been any infringements of these regulations during the period under review and what measures have been taken against those found guilty of such acts and what has been done to prevent their recurrence?

15. Have there been reported allegations of torture or ill-treatment by law enforcement officials during the period under review? Please provide detailed information on mechanisms for investigating such abuses and bringing those suspected of having committed them before the courts, as well as on the number of cases that have actually been investigated and with what results.

Pre-trial detention (art. 9 of the Covenant)

16. In relation to the Committee's concerns expressed during the consideration of the State party's previous report over regulations relating to pre-trial detention (see CCPR/C/79/Add.46), please indicate whether there has been any amendment to the Code of Penal Procedure. In the affirmative, please provide detailed information on its impact on the proportion of the prison population awaiting trial and on the average period of pre-trial detention as well as on the criteria used to grant bail.

Conditions of detention (arts. 10 and 24 of the Covenant)

17. Paragraph 92 of the report states that prison overcrowding is prohibited. In that context, please clarify what is meant by the further comment that there is "no provision concerning action to be taken if prison capacity is exceeded", in light of reports of overcrowding in Argentine prisons.

18. Please indicate whether separate premises have been made available for the detention of juvenile offenders.

Rights of aliens (art. 13 of the Covenant)

19. In view of the very broad grounds for expulsion of foreigners (e.g. para. 131 (b) of the report) and for refusal of residence (para. 134 (b) and (e)), please explain the expulsion procedure in light of article 13 of the Covenant.

Judicial system and independence and impartiality of the judiciary (art. 14)

20. How is the independence and impartiality of members of the judiciary guaranteed in practice and in particular what are the regulations governing their tenure, dismissal and disciplining? How is the State party addressing the issue of backlogs in the courts and long judicial delays?

Freedom of religion (arts. 18 and 26)

21. How is the preferential financial treatment to the Roman Catholic Church (paras. 150-151 of the report) compatible with articles 18 and 26 of the Covenant?

Non-discrimination (arts 2 (1) and 26)

22. Please provide concrete examples of the implementation of the principles of equality referred to in paragraph 276 of the report.

Optional Protocol

23. In view of the Committee's recommendation in relation to the consideration of the State party's third periodic report (see CCPR/C/79/Add.46), please indicate what are the procedures or mechanisms in place for the implementation of any Views adopted by the Committee under the Optional Protocol.

Dissemination of information about the Covenant (art. 2 of the Covenant)

24. Please indicate steps taken to disseminate information on the submission of reports and their consideration by the Committee, in particular on the Committee's concluding observations. Furthermore please provide information on education and training on the Covenant provided to all categories of public officials, in particular schoolteachers, judges, lawyers and police officials.